

Oct 04 2006 9:45AM HP LASERJET 3200

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APPENDIX XII. SUMMONS AND CIVIL CASE INFORMATION STATEMENT (CIS)**APPENDIX XII-A. SUMMONS**

Attorney(s): Keith Talbot, Senior Attorney

Office Address & Tel. No.: Legal Services of NJ, 71 E. Commerce St., 3rd Fl., Bridgeton, NJ 08302 (856) 455-0017

Attorney(s) for Plaintiff(s)

SUPERIOR COURT OF NEW JERSEY
Cumberland COUNTY
Law DIVISIONRuben Aguilar, Eugenio Aguilar, Saul
Garcia, Lucas Garcia & Eduardo Sanchez
Plaintiff(s)

Docket No.

vs.

CIVIL ACTION

DDS Painting & Carpentry, Inc., Cumhur
Aydin, Robert Sottile & Empire Painting
Defendant(s)

SUMMONS

From The State of New Jersey To The Defendant(s) Named Above:

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (The address of each deputy clerk of the Superior Court is provided.) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Treasurer, State of New Jersey and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$135.00 and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live. A list of these offices is provided. If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A list of these numbers is also provided.

Theodore J. Fetter /s/

Theodore J. Fetter

Acting Clerk of the Superior Court

DATED:

Name of Defendant to Be Served: Robert Sottile

Address of Defendant to Be Served: 221 County House Road, Sewell, NJ 08080

ATLANTIC COUNTY:

Deputy Clerk of the Superior Court
Civil Division, Direct Filing
1201 Bacharach Blvd., First Fl.
Atlantic City, NJ 08401

LAWYER REFERRAL

(609) 345-3444
LEGAL SERVICES
(609) 348-4200

BERGEN COUNTY:

Deputy Clerk of the Superior Court
Case Processing Section, Room 119
Justice Center, 10 Main St.
Hackensack, NJ 07601-0769

LAWYER REFERRAL

(201) 488-0044
LEGAL SERVICES
(201) 487-2166

BURLINGTON COUNTY:

Deputy Clerk of the Superior Court
Central Processing Office
Attn: Judicial Intake
First Fl., Courts Facility
49 Rancocas Rd.
Mt. Holly, NJ 08060

LAWYER REFERRAL

(609) 261-4862
LEGAL SERVICES
(609) 261-1088

CAMDEN COUNTY:

Deputy Clerk of the Superior Court
Civil Processing Office
1st Fl., Hall of Records
101 S. Fifth St.
Camden, NJ 08103

LAWYER REFERRAL

(856) 964-4520
LEGAL SERVICES
(856) 964-2010

CAPE MAY COUNTY:

Deputy Clerk of the Superior Court
9 N. Main Street
Box DN-209
Cape May Court House, NJ 08210

LAWYER REFERRAL

(609) 463-0313
LEGAL SERVICES
(609) 465-3001

CUMBERLAND COUNTY:

Deputy Clerk of the Superior Court
Civil Case Management Office
Broad & Fayette Sts., P.O. Box 615
Bridgeton, NJ 08302

LAWYER REFERRAL

(856) 692-6207
LEGAL SERVICES
(856) 451-0003

ESSEX COUNTY:

Deputy Clerk of the Superior Court
50 West Market Street
Room 131
Newark, NJ 07102

LAWYER REFERRAL

(973) 622-6307
LEGAL SERVICES
(973) 624-4500

GLOUCESTER COUNTY:

Deputy Clerk of the Superior Court
Civil Case Management Office
Attn: Intake
First Fl., Court House
1 North Broad Street, P.O. Box 129
Woodbury, NJ 08096

LAWYER REFERRAL

(856) 848-4589
LEGAL SERVICES
(856) 848-5360

HUDSON COUNTY:

Deputy Clerk of the Superior Court
Superior Court, Civil Records Dept.
Brennan Court House-1st Floor
583 Newark Ave.
Jersey City, NJ 07306

LAWYER REFERRAL

(201) 798-2727
LEGAL SERVICES
(201) 792-6363

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HUNTERDON COUNTY:

Deputy Clerk of the Superior Court
Civil Division
65 Park Avenue
Flamington, NJ 08822

LAWYER REFERRAL
(908) 735-2611
LEGAL SERVICES
(908) 782-7979

MERCER COUNTY:

Deputy Clerk of the Superior Court
Local Filing Office, Courthouse
175 S. Broad Street, P.O. Box 8068
Trenton, NJ 08650

LAWYER REFERRAL
(609) 585-6200
LEGAL SERVICES
(609) 695-6249

MIDDLESEX COUNTY:

Deputy Clerk of the Superior Court
Administration Building
Third Floor
1 Kennedy Sq., P.O. Box 2633
New Brunswick, NJ 08903-2633

LAWYER REFERRAL
(732) 828-0053
LEGAL SERVICES
(732) 249-7600

MONMOUTH COUNTY:

Deputy Clerk of the Superior Court
Court House
71 Monument Park
P.O. Box 1269
Freehold, NJ 07728-1269

LAWYER REFERRAL
(732) 431-5544
LEGAL SERVICES
(732) 866-0020

MORRIS COUNTY:

Deputy Clerk of the Superior Court
Civil Division
30 Schuyler Pl., P.O. Box 910
Morristown, NJ 07960-0910

LAWYER REFERRAL
(973) 267-5882
LEGAL SERVICES
(973) 285-6911

OCEAN COUNTY:

Deputy Clerk of the Superior Court
Court House, Room 119
118 Washington Street
Toms River, NJ 08754

LAWYER REFERRAL
(732) 240-3666
LEGAL SERVICES
(732) 341-2727

PASSAIC COUNTY:

Deputy Clerk of the Superior Court
Civil Division
Court House
77 Hamilton St.
Paterson, NJ 07505

LAWYER REFERRAL
(973) 278-9223
LEGAL SERVICES
(973) 345-7171

SALEM COUNTY:

Deputy Clerk of the Superior Court
92 Marker St., P.O. Box 18
Salem, NJ 08079

LAWYER REFERRAL
(856) 935-5628
LEGAL SERVICES
(856) 451-0003

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SOMERSET COUNTY:

Deputy Clerk of the Superior Court
Civil Division Office
New Court House, 3rd Fl.
P.O. Box 3000
Somerville, NJ 08876

LAWYER REFERRAL

(908) 685-2323
LEGAL SERVICES
(908) 231-0840

SUSSEX COUNTY:

Deputy Clerk of the Superior Court
Sussex County Judicial Center
43-47 High Street
Newton, NJ 07860

LAWYER REFERRAL

(973) 267-5882
LEGAL SERVICES
(973) 383-7400

UNION COUNTY:

Deputy Clerk of the Superior Court
1st Fl., Court House
2 Broad Street
Elizabeth, NJ 07207-6073

LAWYER REFERRAL

(908) 353-4715
LEGAL SERVICES
(908) 354-4340

WARREN COUNTY:

Deputy Clerk of the Superior Court
Civil Division Office
Court House
413 Second Street
Belvidere, NJ 07823-1500

LAWYER REFERRAL

(973) 267-5882
LEGAL SERVICES
(973) 475-2010

Note: Adopted July 13, 1994, effective September 1, 1994; amended June 28, 1996, effective September 1, 1996, address/phone information updated July 1, 1999, effective September 1, 1999; amended July 12, 2002 to be effective September 3, 2002; amended July 27, 2006 to be effective September 1, 2006.

CUMBERLAND COUNTY SUPERIOR COURT
CIVIL CASE MANAGEMENT
POST OFFICE BOX 10
BRIDGETON NJ 08302

COURT TELEPHONE NO. (856) 453-4330
COURT HOURS

TRACK ASSIGNMENT NOTICE

DATE: SEPTEMBER 21, 2006
RE: AGUILAR ETAL VS DDS PAINTING AND CARPENTRY INC ETA
DOCKET: CUM L -000957 06

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 2.

DISCOVERY IS 300 DAYS AND RUNS FROM THE FIRST ANSWER OR 90 DAYS
FROM SERVICE ON THE FIRST DEFENDANT, WHICHEVER COMES FIRST.

THE PRETRIAL JUDGE ASSIGNED IS: HON MICHAEL FISHER

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 101
AT: (856) 453-4335.

IF YOU BELIEVE THAT THE TRACK IS INAPPROPRIATE YOU MUST FILE A
CERTIFICATION OF GOOD CAUSE WITHIN 30 DAYS OF THE FILING OF YOUR PLEADING.
PLAINTIFF MUST SERVE COPIES OF THIS FORM ON ALL OTHER PARTIES IN ACCORDANCE
WITH R.4:SA-2.

ATTENTION:

ATT: KEITH G. TALBOT
LEGAL SERVICES OF NEW JERSEY
BRIDGETON BRANCH OFFICE
71 EAST COMMERCE STREET
BRIDGETON NJ 08302

JUHBUCK

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION**

Keith G. Talbot, Senior Attorney
LEGAL SERVICES OF NEW JERSEY, INC.
FARMWORKER PROJECT
71 East Commerce Street, 3rd Floor
Bridgeton, NJ 08302
(856) 455-0017
Attorney for Plaintiffs

SUPERIOR COURT OF N.J.
CUMBERLAND COUNTY
LAW DIVISION

SEP 11 2006

SUPERIOR COURT OF N.J.
CUMBERLAND COUNTY
LAW DIVISION

REC'D
CIVIL CASE
MANAGEMENT OFFICE

SEP 11 2006

Filing Fees Waived Per R. 1:13-2

REC'D & FILED
CIVIL CASE
MANAGEMENT OFFICE

Rubén Aguilar, Eugenio Aguilar, Saúl García Civil Action No.: L957-06

Lucas Garcia and Eduardo Sánchez ,

Plaintiffs

vs.

D.D.S. Painting and Carpentry, Inc.,

Cumhur Aydin, Robert Sotile and Empire

Painting, Inc.,

Defendants.

PLAINTIFFS' ORIGINAL COMPLAINT

Jury Trial Requested

PRELIMINARY STATEMENT

This civil action is brought by a group of workers against their employers. The first cause of action is based on the Defendants' violations of the Plaintiffs' rights under the New Jersey Wage and Hour Law, N.J.S.A. §§34:11-56a et seq. The second cause of action is based on common law contract. The third cause of action is based on the Defendants' violations of the Plaintiffs' rights under the Fair Labor Standards Act ("FLSA"), 29 U.S.C. §§ 201-219.

JURISDICTION

1. This court has jurisdiction of this action pursuant to the New Jersey Wage and Hour law at N.J.S.A. 34:11-56a25.

PARTIES

2. Plaintiffs Ruben Aguilar, Eugenio Aguilar, Saul Garcia, Lucas Garcia and Eduardo Sanchez were recruited and employed as painters by Defendants in New Jersey.
3. Defendant D.D.S. Painting and Carpentry Inc., is a business, duly formed under corporate law, with operations based in Sewell, New Jersey. Defendant Robert Sotile is the New Jersey based owner and operator of D.D.S. Painting and Carpentry Inc. Defendant Cumhur Aydin is an individual utilized by Defendant D.D.S. to assist with recruiting painters for Defendants' worksites. Defendant Empire Painting, Inc. is the trade name used by Cumhur Aydin.

FACTS

4. Plaintiffs were "employees" of Defendants within the meaning of the New Jersey Wage and Hour Law and the FLSA at all times relevant to this action.
5. Defendants Robert Sotile, D.D.S Painting and Carpentry Inc., Cumhur Aydin, and Empire Painting, Inc. were each an "employer" within the meaning of the New Jersey Wage and Hour Law at all times relevant to this action pursuant to N.J.S.A. 34:11-56a1.
6. Defendants Robert Sotile, D.D.S. Painting and Carpentry Inc., Cumhur Aydin and Empire Painting, Inc. are each an "employer" within the meaning of FLSA at all times relevant to this action.

7. Plaintiffs' were employed by Defendants within the meaning of the New Jersey Wage and Hour Law and FLSA.
8. Plaintiffs were employed by the New Jersey based Defendants.
9. Plaintiffs were employees of all Defendants and each Defendant acted in the interest, directly and indirectly, of the Defendant employers in relation to these Plaintiff employees.
10. Plaintiff employees were suffered and permitted to work by, and were dependent as a matter of economic reality on, each Defendant.
11. Defendants hired and permitted Plaintiffs to work but failed to pay them either minimum or promised fair wages.
12. Despite Plaintiffs' long work hours, Defendants failed to pay overtime and breached their obligations pursuant to N.J.S.A. 34:11-56a4 and 29 U.S.C. §§ 207 .
13. The Plaintiffs suffered injury as a result of the Defendants' breaches of the overtime wage requirements.
14. The Defendants failed to pay all overtime when due.
15. Prior to filing this action, on or about November 4, 2004, Plaintiffs Ruben Aguilar, Eugenio Aguilar, Saul Garcia and Eduardo Sanchez filed an administrative complaint with the New Jersey Department of Labor and notice was served on Defendants as a result of this administrative complaint.

First Cause of Action

New Jersey Wage and Hour Law

16. The Defendants violated the Plaintiffs rights under the New Jersey Wage and Hour Law, N.J.S.A. §§34:11-56a et seq., by failing to pay minimum wage and overtime for all hours worked pursuant to N.J.S.A. §§34:11-56a4. The Defendants also failed to pay the complete fair wage to Plaintiffs since Defendants did not pay promised wages needed to meet the minimum cost of living.
17. As a direct consequence of the Defendants' violations of the New Jersey Wage and Hour Law, the Plaintiffs suffered substantial injury.
18. Plaintiffs can maintain a private right of action and appeal against the Defendants under N.J.S.A. §§34:11-56a25 to recover the amount of their unpaid minimum, overtime and fair wages plus costs and reasonable attorney's fees.

Second Cause of Action

Breach of Contract

19. The Defendants entered into an employment contract with the Plaintiffs. The Defendants, directly and indirectly, made an offer of wages and employment, the offer was accepted by Plaintiffs and sufficient consideration for a contract was exchanged.
20. The Defendants breached their employment contract and the covenant of good faith and fair dealing by failing to comply with the most basic promised terms and conditions of employment.

21. As a direct result of the Defendants' breach of the employment contract, the Plaintiffs suffered substantial injury.

Third Cause of Action

Fair Labor Standards Act

22. The Defendants violated the Plaintiffs rights, in a willful violation, under the FLSA, 29 U.S.C. §§ 201-219., inter alia by failing to pay minimum wage and overtime for all hours worked pursuant to 29 U.S.C. §§ 201-219.
23. As direct consequence of the Defendants' violations of the FLSA, the Plaintiffs suffered substantial injury.
24. As a consequence of the violations of the FLSA described in this count, each Plaintiff is entitled to recover the amount of unpaid minimum wages and overtime due, and an equal amount as liquidated damages, in accordance with 29 U.S.C. § 216(b).

PRAYER FOR RELIEF

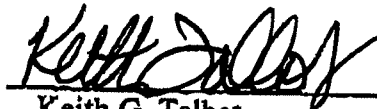
25. WHEREFORE, Plaintiffs request that this Court grant them the following relief:
- a. Enter a declaratory judgment that Defendants violated the Plaintiffs' rights under the New Jersey Wage and Hour Law and FLSA;
 - b. Award the Plaintiffs the amount of their unpaid minimum fair wages, overtime, liquidated damages and such legal or equitable relief as may be appropriate to effectuate the purposes of New Jersey Wage and Hour Law and the FLSA;

- c. Award the Plaintiffs costs and reasonable attorney's fees, litigation expenses and costs of court;
- d. Award the Plaintiffs compensatory damages for their causes of action for breach of contract;
- e. Award the Plaintiffs prejudgment and post-judgment interest;
- f. Award the Plaintiffs such other relief as this Court deems equitable and just.

Respectfully submitted,

LEGAL SERVICES OF NEW JERSEY, INC.

By:


Keith G. Talbot
LEGAL SERVICES OF
NEW JERSEY, INC.
71 East Commerce Street,
3rd Floor
Bridgeton, NJ 08302
(856) 455-0017

Date: September 8, 2006.



CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial Law Division
Civil Part pleadings (not motions) under Rule 4:5-1
Pleading will be rejected for filing, under Rule 1:5-6(c),
If information above the black bar is not completed or
If attorney's signature is not affixed.

FOR COURT CLERK USE ONLY

PAYMENT TYPE: CK CG CA

CHG/CK NO.

AMOUNT:

OVERPAYMENT:

BATCH NUMBER:

1. ATTORNEY/PRO SE NAME

Keith G. Talbot, Senior Attorney

2. TELEPHONE NUMBER

(856) 455-0017

3. COUNTY OF VENUE

Cumberland

4. FIRM NAME (if applicable)

Legal Services of New Jersey

5. DOCKET NUMBER (When available)

L957-06

6. OFFICE ADDRESS

71 E. Commerce Street, 3rd Floor
Bridgeton, NJ 08302

7. DOCUMENT TYPE

Complaint

8. JURY DEMAND



YES



NO

9. NAME OF PARTY (e.g., John Doe, Plaintiff)

Ruben Aguilar, Eugenio Aguilar,
Saul Garcia, Lucas Garcia and
Eduardo Sanchez

10. CAPTION

Ruben Aguilar, Eugenio Aguilar, Saul Garcia, Lucas Garcia and
Eduardo Sanchez v. D. D. S. Painting and Carpentry Inc., Cumhur Aydin, Robert
Sottile and Empire Custom Painting

11. CASE TYPE NUMBER
(See reverse side for listing)

509

12. IS THIS A PROFESSIONAL MALPRACTICE CASE? ☐ YES ☒ NO

IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53A-27 AND APPLICABLE CASE LAW REGARDING
YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.

13. RELATED CASES PENDING?



YES



NO

14. IF YES, LIST DOCKET NUMBERS

15. DO YOU ANTICIPATE
ADDING ANY PARTIES (arising
out of same transaction or
occurrence)?



YES



NO

16. NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY, IF KNOWN



NONE



UNKNOWN

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

17. A. DO PARTIES HAVE A CURRENT,
PAST OR RECURRENT
RELATIONSHIP? ☒ YES ☐ NO

IF YES, IS THAT
RELATIONSHIP



EMPLOYER-EMPLOYEE



FAMILIAL



FRIEND/NEIGHBOR



BUSINESS

☐ OTHER (explain)

dlkjfdkljfdkljfdkljfdkl

18. B. DOES THE STATUTE GOVERNING THIS
CASE PROVIDE FOR PAYMENT OF FEES
BY THE LOSING PARTY?



YES



NO

19. USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION:



20. DO YOU OR YOUR CLIENT NEED
ANY DISABILITY ACCOMMODATIONS? ☐ YES ☒ NO

IF YES, PLEASE IDENTIFY THE
REQUESTED ACCOMMODATION:

21. WILL AN INTERPRETER BE NEEDED?



YES



NO

IF YES, FOR WHAT LANGUAGE: Spanish

22. ATTORNEY SIGNATURE

Keith G. Talbot
Effective 8/1/2006, CN 10553-English

Gloucester County Sheriff's Office PROCESS SERVICE ORDER

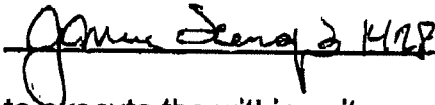
Sheriff's # **NF 110054**

Person/Corporation Served
ROBERT SOTTILE

221 COUNTY HOUSE ROAD
Sewell, NJ

Defendant **DDS PAINTING & CARPENTRY INC ET ALS**

I hereby depute and appoint

 _____

to execute the within writ.

Witness by hand and seal this day October 4, 2006.

Gilbert Miller

Gilbert Miller III
Sheriff

SIDE 2



CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial pleadings (not motions) under Rule 4:5-1

CASE TYPES (Choose one and enter number of case type in appropriate space on the reverse side.)

Track I — 150 days' discovery

- 151 NAME CHANGE
- 175 FORFEITURE
- 302 TENANCY
- 399 REAL PROPERTY (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)
- 502 BOOK ACCOUNT (debt collection matters only)
- 505 OTHER INSURANCE CLAIM (INCLUDING DECLARATORY JUDGMENT ACTIONS)
- 506 PIP COVERAGE
- 510 UM or UIM CLAIM
- 511 ACTION ON NEGOTIABLE INSTRUMENT
- 512 LEMON LAW
- 801 SUMMARY ACTION
- 802 OPEN PUBLIC RECORDS ACT (SUMMARY ACTION)
- 999 OTHER (Briefly describe nature of action)

Track II — 300 days' discovery

- 305 CONSTRUCTION
- 509 EMPLOYMENT (other than CEPA or LAD)
- 599 CONTRACT/COMMERCIAL TRANSACTION
- 603 AUTO NEGLIGENCE — PERSONAL INJURY
- 605 PERSONAL INJURY
- 610 AUTO NEGLIGENCE — PROPERTY DAMAGE
- 699 TORT — OTHER

Track III — 450 days' discovery

- 005 CIVIL RIGHTS
- 301 CONDEMNATION
- 602 ASSAULT AND BATTERY
- 604 MEDICAL MALPRACTICE
- 606 PRODUCT LIABILITY
- 607 PROFESSIONAL MALPRACTICE
- 608 TOXIC TORT
- 609 DEFAMATION
- 616 WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES
- 617 INVERSE CONDEMNATION
- 618 LAW AGAINST DISCRIMINATION (LAD) CASES

Track IV — Active Case Management by Individual Judge / 450 days' discovery

- 156 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
- 303 MT. LAUREL
- 508 COMPLEX COMMERCIAL
- 513 COMPLEX CONSTRUCTION
- 514 INSURANCE FRAUD
- 701 ACTIONS IN LIEU OF PREROGATIVE WRITS

Mass Tort (Track IV)

- | | |
|---|----------------------------------|
| 240 REDUX/PHEN-FEN (formerly "DIET DRUG") | 268 MANUFACTURED GAS PLANT (MGP) |
| 241 TOBACCO | 271 ACCUTANE |
| 248 CIBA GEIGY | 272 BEXTRA/CELEBREX |
| 264 PPA | 801 ASBESTOS |
| 266 HORMONE REPLACEMENT THERAPY (HRT) | 819 VIOXX |

If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics."

Please check off each applicable category:

☐ Verbal Threshold

☐ Putative Class Action

☐ Title 59

Effective 9/1/2006, CN 10553-English